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**OFFICE OF PETITIONS**

Patent  
Attorney Docket NC 80,245  
Application Serial No. 09/845,111

*HSR*  
*Cog*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Williams, et al.

Art Unit: 2877

U.S. Patent No.: 6,766,070

Examiner: Kianna, Kaveh C.

Issued: July 20, 2004

Confirmation No.: 1619

Serial No. 09/845,111

Filed: April 27, 2001

For: High Power Fiber Optic System and Method

PETITION FOR CORRECTION OF PAIR DATABASE AND FOR ENTRY OF CERTIFICATE OF  
CORRECTION TO CORRECT THE PATENT TERM CALCULATION  
UNDER 35 U.S.C. 154(B)

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In reviewing the Patent Term Adjustment calculation available on the PTO's PAIR webpage (copy enclosed), the following errors were noted:

a. Error in Patent Term Adjustment:

The Issue Notification for the above captioned application indicated that the Patent Term Adjustment will be 52 days, assuming that the patent issues on July 20, 2004. A copy of the Issue Notification is enclosed. Based on the following, this appears to be in error.

Under 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. 1.704(b), the period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed.

The Applicants filed an Amendment, IDS, and RCE on November 18, 2003 in response to a May 20, 2003 final rejection. This corresponds to a delay of 68 days after the three month period for response that ended on August 20, 2003. This 68 day period has not been debited from the 145 day credit for USPTO delay. This appears to be in error.

07/30/2004 HUUONG1 00000057 500281 6766070

01 FC:1460 130.00 DA

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OIPE/JCWS

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JUL 30 2004  
OIPE/JCWS

As the USPTO calculation of 52 days is less than the 68 day period of delay, it appears that no Patent Term Adjustment is due for this patent.

Accordingly, please find enclosed a Certificate of Correction showing the zero days of Patent Term Adjustment for this patent. Entry of this Certificate of Correction is requested.

b. Error in PAIR database:

It is also noted that both the Patent Term Adjustment History and the File History sheets available through the PAIR system indicate that the RCE was filed on November 28, 2003. This is incorrect. As shown on the accompanying date-stamped receipt postcard, the RCE was filed on November 18, 2003, together with an IDS and Amendment. Correction of the PAIR database is respectfully requested.

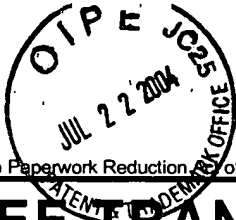
The attached fee transmittal sheet authorizes the Commissioner to charge the \$130 fee for this petition to Deposit Account 50-0281. The errors in the issued patent are due to a miscalculation by the U.S. Patent and Trademark Office, therefore, no fee is believed to be due for the Certificate of Correction. However, the Director is authorized to charge any fee that may be due, or credit any overpayment, to Deposit Account 50-0281.

Respectfully submitted,



Sally A. Ferrett  
Reg. No. 46,325  
Naval Research Laboratory  
Associate Counsel (Patents)  
4555 Overlook Ave., S.W.  
Washington, DC 20375-5320

July 20, 2004  
Telephone: 202-404-1551



Under the Paperwork Reduction Act of 1995, no Persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 0110112003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130

## Complete if Known

Application Number 09/845,111  
Filing Date April 27, 2004  
First Named Inventor Williams et al  
Examiner Name Kianna, Kaven  
Art Unit 2877  
Attorney Docket No. 80,245

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AUG 03 2004

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-0281  
Deposit Account Name NAVAL RESEARCH LABORATORY

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 375	Utility filing fee	
1002 340	2002 165	Design filing fee	
1003 530	2003 260	Plant filing fee	
1004 770	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from	Fee Paid
Independent Claims	-20- =	x	
Multiple Dependent	-3- =	x	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 42	Independent claims in excess of 3
1203 290	2203 140	Multiple dependent claim, if not paid
1204 86	2204 42	Reissue independent claims over original patent
1205 18	2205 9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 205	Extension for reply within second month	
1253 950	2253 465	Extension for reply within third month	
1254 1480	2254 725	Extension for reply within fourth month	
1255 2010	2255 985	Extension for reply within fifth month	
1401 330	2401 160	Notice of Appeal	
1402 330	2402 160	Filing a brief in support of an appeal	
1403 290	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 650	Petition to revive - unintentional	
1501 1,330	2501 650	Utility issue fee (or reissue)	
1502 480	2502 235	Design issue fee	
1503 640	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Sally A. Ferrett  
Registration No. (Attorney/Agent) 46,325  
Telephone (202) 404-1551  
Signature Sally A. Ferrett  
Date July 20, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment to Petition dated July 20, 2004  
Patent Application Serial No. 09/845,111  
Filing Date: April 27, 2001

JUL 14 2004

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,111	07/20/2004	6766070	80,245	1619

26384 7590 07/01/2004

NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON, DC 20375-5320

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 52 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

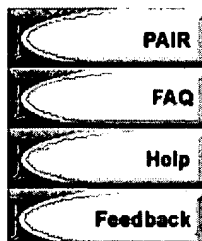
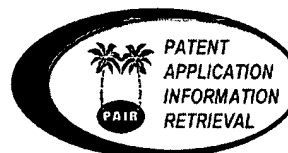
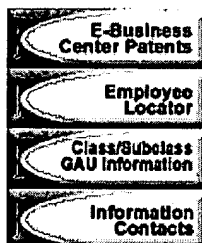
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

### APPLICANT(S):

Keith J. Williams, Dunkirk, MD;  
Shane J. Strutz, Columbia, MD;



United States Patent and Trademark Office

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09/845,111**

			Days
Filing or 371(c) Date:	04-27-2001	USPTO Delay (PTO):	145
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	93
Post-Issue Petitions (days):	+0	Total PTA:	52
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

[Assignments](#)  
[Display References](#)  
[Image File Wrapper](#)  
[File History](#)  
[Published Documents](#)

**Search****Patent Term Adjustment History**

Date	Contents Description	PTO (days)	APPL (days)
07-20-2004	Patent Issue Date Used in PTA Calculation		
06-24-2004	Receipt into Pubs		
06-23-2004	Dispatch to FDC		
06-23-2004	Application Is Considered Ready for Issue		
05-17-2004	Workflow - Drawings Finished		65
05-17-2004	Mailroom Date of Issue Fee Payment		
06-17-2004	Receipt into Pubs		
03-26-2004	Receipt into Pubs		
03-17-2004	Issue Fee Payment Recorded		
03-25-2004	Workflow - File Sent to Contractor		
03-04-2004	Mail Notice of Allowance		
02-26-2004	Issue Revision Completed		
02-23-2004	Notice of Allowance Data Verification Completed		
02-23-2004	Notice of Allowability		
11-18-2003	Reference capture on IDS		
11-18-2003	Information Disclosure Statement (IDS) Filed		
01-14-2004	IFW Amended case processing Complete		
01-08-2004	IFW TSS Processing by Tech Center Complete		
01-08-2004	Date Forwarded to Examiner		
11-18-2003	Amendment Submitted/Entered with Filing of CPA/RCE		

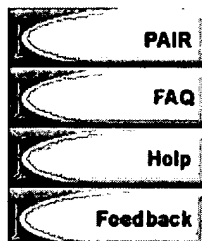
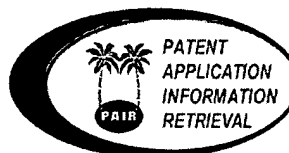
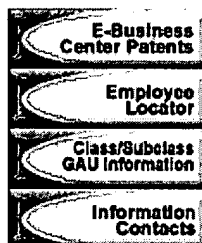
01-08-2004	Date Forwarded to Examiner		
11-28-2003	Request for Continued Examination (RCE)		
01-08-2004	Express Abandonment (for Entry of CPA / RCE / Rule129)		
05-20-2003	Mail Final Rejection (PTOL - 326)		
05-19-2003	Final Rejection		
04-10-2003	Case Docketed to Examiner in GAU		
03-31-2003	Date Forwarded to Examiner		
03-19-2003	Response after Non-Final Action		28
03-19-2003	Request for Extension of Time - Granted		↑
11-19-2002	Mail Non-Final Rejection	145	↑
11-18-2002	Non-Final Rejection	↑	
05-09-2002	Case Docketed to Examiner in GAU	↑	
05-03-2002	Case Docketed to Examiner in GAU	↑	
10-12-2001	Information Disclosure Statement (IDS) Filed	↑	
10-04-2001	Case Docketed to Examiner in GAU	↑	
04-27-2001	Information Disclosure Statement (IDS) Filed	↑	
09-24-2001	Application Dispatched from OIPE	↑	
06-26-2001	Application Is Now Complete	↑	
06-26-2001	Application Is Now Complete	↑	
06-26-2001	Correspondence Address Change	↑	
05-09-2001	IFW Scan & PACR Auto Security Review	↑	
04-27-2001	Initial Exam Team nn	↑	

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Application Number:	09/845,111	Customer Number:	-
Filing or 371(c) Date:	04-27-2001	Status:	Publications -- Issue Matched with File
Application Type:	Utility	Status Date:	06-23-2004
Examiner Name:	KIANNI, KAVEH C	Location:	ELECTRONIC
Group Art Unit:	2877	Location Date:	-
Confirmation Number:	1619	Earliest Publication No:	US 2002-0159668 A1
Attorney Docket Number:	80,245	Earliest Publication Date:	10-31-2002
Class/ Sub-Class:	385/030	Patent Number:	-
First Named Inventor:	Keith Williams, Dunkirk, MD	Issue Date of Patent:	-
Title Of Invention:	HIGH POWER FIBER OPTIC MODULATOR SYSTEM AND MET		

Select Search Option


**File History**

Date	Contents Description
07-01-2004	Issue Notification Mailed
06-24-2004	Receipt into Pubs
06-23-2004	Dispatch to FDC
06-23-2004	Application Is Considered Ready for Issue
05-17-2004	Workflow - Drawings Finished
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11-19-2002	Mail Non-Final Rejection
11-18-2002	Non-Final Rejection
05-09-2002	Case Docketed to Examiner in GAU
05-03-2002	Case Docketed to Examiner in GAU
10-12-2001	Information Disclosure Statement (IDS) Filed
10-04-2001	Case Docketed to Examiner in GAU
04-27-2001	Information Disclosure Statement (IDS) Filed
09-24-2001	Application Dispatched from OIPE
06-26-2001	Application Is Now Complete
06-26-2001	Application Is Now Complete
06-26-2001	Correspondence Address Change
05-09-2001	IFW Scan & PACR Auto Security Review
04-27-2001	Initial Exam Team nn

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NAVY CASE NO.	SERIAL NO.
80.245	09/845.111
NAME (Applicant)	
Williams et al.	

Receipt of the following application papers is evidenced hereon by  
official stamp of the U.S. Patent and Trademark Office:

FEE TRANSMITTAL  
RCE  
AMENDMENT W/4 SHEETS OF DRAWINGS  
IDS W/4 ENCLOSED DOCUMENTS SB-08



CHARGE AUTHORIZATION TO ACCOUNT 50-0281

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,766,070

DATED : July 20, 2004

INVENTOR(S) : Williams et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

## Column 1:

- (\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by zero days.

MAILING ADDRESS OF SENDER:

PATENT NO. 6,767,070

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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